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March 30, 2007

**VIA HAND DELIVERY AND CM/ECF**

The Honorable Sue L. Robinson  
United States District Court for the  
District of Delaware  
844 King Street  
Wilmington, DE 19801

**Re: DRBA v. Jan D. Kopacz, D. Del. C.A. No. 07-0008-SLR**

Dear Judge Robinson:

In keeping with the matters discussed at the March 28, 2007 teleconference, I have attached a proposed Scheduling Order which includes the dates determined during the teleconference. I would note, for Your Honor's convenience, that the deadlines included in the original proposed Order for expert discovery did not comport with the September trial date. Accordingly, I have taken the liberty of inserting earlier, expert discovery, and those dates have been agreed to among trial counsel for the parties.

The parties are available at Your Honor's convenience should there be any question regarding these matters.

Respectfully,

/s/ Carmella P. Keener  
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CPK/jls

cc: Bernard A. Van Ogtrop, Esquire (via electronic filing)  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DELAWARE RIVER AND BAY :  
AUTHORITY, : C.A. No. 07-00008-SLR  
Plaintiff :  
v. :  
JAN D. KOPACZ, :  
Defendant. :  
:

**[PROPOSED] DISCOVERY ORDER**

1. **Pre-Discovery Disclosures.** The Parties have exchanged the information required by Fed. R. Civ. P. 26(a) and D. Del. LR 16.2.
2. **Discovery.**

- (a) Discovery will be needed on the following subjects:

Plaintiff will need discovery as to defendant's medical condition, medical treatment, living expenses, as well as his application for and receipt of disability and social security benefits. Plaintiff will also seek discovery on the consequential damages alleged in his Counterclaim.

If plaintiff will not stipulate to the relevant facts, defendant will need discovery on all facts related to the acquisition of the wage continuation policy and its scope and also on the availability of expert advice on maintenance law to plaintiff in addition to plaintiff's counsel. Defendant will also need discovery on plaintiff's surveillance evidence if it has any although defendant will object to its use since plaintiff did not disclose its existence in answers to interrogatories.

- (b) All discovery shall be commenced in time to be completed by August 1, 2007.

- (c) Maximum of 25 interrogatories by each party to any other party.
- (d) Maximum of 25 requests for admission by each party to any other party.
- (e) Maximum of 5 depositions by plaintiff and 3 depositions by defendant.
- (f) Each deposition limited to a maximum of 7 hours unless extended by agreement of parties.
- (g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by July 2, 2007. Rebuttal expert reports due by August 1, 2007.
- (h) **Discovery Disputes.** Any discovery dispute shall be submitted to the Court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The Court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amendment of Pleadings, and Class Certification.** All motions to join other parties and/or amend the pleadings shall be filed on or before April 15, 2007.

4. **Applications by Motion.** Any application to the Court shall be by written motion filed with the clerk. Unless otherwise requested by the Court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del LR 7.1.1.**

5. **Motions in Limine.** All motions in limine shall be filed on or before August 13, 2007. All responses to said motions shall be filed on or before August 20, 2007.

6. **Pretrial Conference.** A pretrial conference will be held on August 27, 2007 at 4:30 p.m.

in Courtroom 6B, Sixth Floor, Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

7. **Trial.** Trial shall commence on September 24, 2007.

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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U.S.D.J.